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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,866	09/10/2003	Sarah E. Zeller	200209040-1	5129

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EXAMINER

CULLER, JILL E

ART UNIT PAPER NUMBER

2854

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/659,866	Applicant(s) ZELLER ET AL.	
	Examiner Jill E. Culler	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10,13-18,20-24,26-28,30,31 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-8,10,13-18,20-22,26-28,30,31 and 33 is/are allowed.
- 6) ☒ Claim(s) 23,24 and 34 is/are rejected.
- 7) ☒ Claim(s) 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,398,712 to George in view of U.S. Patent No. 6,041,214 to Fujikura et al.

With respect to claim 23, George teaches a system for organizing printer output comprising a curved track, 57, having a first end spaced from a second end, compartments, B1-B5, directly attached to the track and adapted to accommodate printer output media, wherein the compartments extend along the track; a motor in communication with said compartments; and a controller in communication with said motor, said controller generating control signals to said motor to selectively position said compartments about the curved track, 57, to direct said printer output media into a desired one of said compartments. See column 3, lines 34-65 and column 5, line 63 - column 6, line 21.

George does not teach that the compartments are configured to be independently movable along the track or that the compartments are independently controlled and selectively moved to different positions along the curved track.

Fujikura et al. teaches a system for organizing document output comprising a number of compartments, 9a-9t, on a track, 22, see column 4, lines 45-60, which are independently movable along the track and independently controlled and selectively moved to different positions along the curved track. See column 5, lines 27-67.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the invention of George to have independently controllable movement for the output compartments, as taught by Fujikura et al., in order to be able to increase the capacity of the output compartments as needed.

With respect to claim 24, George teaches a printer capable of organizing printer output comprising a curved track, 57, having a first end spaced from a second end, first means, 11, for generating an image on printer output media, compartments, B1-B5, adapted to accommodate said printer output media, said compartments directly attached to the curved track; a motor in communication with said compartments; and a controller in communication with said motor, said controller generating control signals to said motor to selectively position said compartments about the curved track, 57, to direct said printer output media into a desired one of said compartments. See column 3, lines 34-65 and column 5, line 63 - column 6, line 21.

George does not teach that the compartments are configured to be independently movable along the track or that the compartments are independently controlled and selectively moved to different positions along the curved track.

Fujikura et al. teaches a system for organizing document output comprising a number of compartments, 9a-9t, on a track, 22, see column 4, lines 45-60, which are

independently movable along the track and independently controlled and selectively moved to different positions along the curved track. See column 5, lines 27-67.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the invention of George to have independently controllable movement for the output compartments, as taught by Fujikura et al., in order to be able to increase the capacity of the output compartments as needed.

3. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over George in view of U.S. Patent No. 5,898,592 to Salgado et al. and U.S. Patent No. 5,551,680 to Ohmichi et al.

George teaches a printer collator comprising first means, B1-B5, for selectively separating printer output, see column 3, lines 34-38, the first means including a first output tray, B1, and a second output tray, B2, and second means, 57, 62, coupled to the first means for angling and/or rotating the first output tray while the second output tray remains stationary and based on the printer output, see column 3, lines 38-51 and Figure 4, wherein the second means includes a curved surface, 57, in communication with the first output tray, said curved surface and positions of said first output tray on said curved surface controllable via a motor which is responsive to said control signals, see column 5, line 63 - column 6, line 21, wherein the first output tray, 35, is positioned approximately perpendicular to said curved track and is rotatable about an axis of said track. See column 2, line 57 - column 3, line 11 and Figures 1 and 4 in particular.

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George does not teach that said second means includes an output media level sensor in communication with said controller, said third means generating a control signal to said motor effective to position a different output tray in an output path when said output media level sensor indicates that an output tray currently being filled is full, or that the curved track is shaped to enable said output trays to be sufficiently rotated to expose one or more access doors, to expose other printer features, or to selectively disable said collator.

Salgado et al. teaches an output media level sensor, in communication with said controller, said third means generating a control signal to said motor effective to position a different output tray in an output path when said output media level sensor indicates that an output tray currently being filled is full. See column 9, line 60 - column 10, line 3 and column 12, lines 1-39.

It would have been obvious to one having ordinary skill in the art at the time of the invention to use the output media level sensor of Salgado et al. with the collator of George in order to be able to continue sorting media without operator intervention when a particular tray is filled.

Ohmichi et al. teaches a collator track which is shaped to enable output trays to be moved to enable access to other printer features. See column 9, lines 24-42.

It would have been obvious to one having ordinary skill in the art at the time of the invention to design the track of George to have spacing capabilities, as taught by Ohmichi et al., in order to allow the operator access to the printer for purposes such as removing a paper jam.

Allowable Subject Matter

4. Claim 35 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach or render obvious a collator as claimed, particularly including trays that are configured to move between a first position where the trays extend in a first plane and a second position in which they extend in a second plane perpendicular to the first plane.

5. Claims 1, 3-8, 10, 13-18, 20-22, 26-28, 30-31 and 33 are allowed.

Response to Arguments

6. Applicant's arguments filed July 20, 2005 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 23-24 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that Ohmichi does not teach that it rotates trays about an axis of a track, Ohmichi is only relied upon for the teaching of moving trays out of the way to enable access to other printer features. One having ordinary skill in the art would recognize the advantages of this capability and be able to adapt the track design of George to accommodate this teaching.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one having ordinary skill in the art would have the knowledge to adapt the invention of George to include the advantages of Ohmichi and therefore a specific teaching of the adaptation is not required.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-Th 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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